

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-18910 - APPLICANT/OWNER: TERRIBLE HERBST, INC.

**** CONDITIONS ****

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. All City code requirements applicable to Summerlin and Summerlin Development Standards must be satisfied.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Conformance to the Conditions of Approval for Summerlin Site Development Plan Review (CRG-18747).
4. Conformance to the applicable conditions of approval of previous Site Development Plan Reviews, including (CRG-6661), except as amended by other conditions herein.
5. Conformance to the site plan, elevation drawings, and landscape plans as submitted (date stamped 12/13/06), except as amended by other conditions herein.
6. Submit a revised site plan with the following information:
 - a. Relocate the building and verify that it is 200 feet from any single-family residence across Desert Foothills Drive.
 - b. Dimension the width of parking spaces (to be nine feet), the handicapped space (to be nine feet), and the handicapped aisle widths (to be five feet and eight feet), and the width of the loading space (to be 15 feet); dimension the length of the loading space (to be 25 feet).
 - c. Show wheel stops where required.
7. Approval of this Special Use Permit does not constitute approval of a liquor license.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
9. All City Code requirements and design standards of all City departments must be satisfied.

10. Sales shall be limited to beer, wine and coolers only.
11. The sale of any individual containers of any size of beer, wine coolers or screw-cap wine is prohibited. All such product shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of the containers into groups smaller than the original shipping container size shall be permitted.

Public Works

12. If not already constructed or guaranteed by the Master Developer, construct all incomplete half-street improvements adjacent to this site on Desert Foothills Drive, the full width of the proposed driveways accessing this site and appropriate on-site paving (minimum 24 foot width) to allow for two way circulation adjacent to and through this site concurrent with development of this site.
13. All existing public improvements, if any, adjacent to this site that may be damaged during construction are to be repaired at the owner's expense, prior to occupancy of this site.
14. Driveways shall be designed, located and constructed in accordance with Summerlin Standard Drawing #S-58.
15. All landscaping and private improvements installed with this project shall be situated and maintained as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. The site development shall comply with all applicable Summerlin Development and Improvement Standards.
17. The site development shall comply with all applicable conditions of approval for Summerlin Village 20 Parcel "A" (Commercial Subdivision) and all other subsequent site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Liquor Store in conjunction with a proposed Convenience Store (W/Fuel Pumps) on 0.91 acres on the east side of Desert Foothills Drive approximately 280 feet north of Charleston Boulevard.

The project is compatible with the Summerlin land use designation and is located within a developing commercial center where a substantial concentration of major commercial development is to occur. A Liquor Store as an accessory use to convenience store can be expected to be compatible with, and mutually supportive of, other uses located within the commercial center.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
02/09/98	The City Council approved a Summerlin Development Plan Review (SV-0042-97) for Summerlin Village 20 within which the subject property is located.
02/12/98	The Planning Commission approved a Tentative Map (TM-0002-98) for 39 lots of Village 20 within the subject property is located.
05/25/05	The City Referral Group approved a Site Development Plan Review (CRG-6661) for a 56,000 square-foot grocery store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
07/06/05	The City Council approved a Special Use Permit (SUP-6500) for a liquor store at the northeast corner of Charleston Boulevard and Desert Foothills Drive.
11/30/04	The Planning Commission approved a Tentative Map (TMP-5708) for a two-lot commercial subdivision of property which included the subject property, at the northeast corner of Desert Foothills Drive and Charleston Boulevard.
03/31/06	A Final Map (FMP-6056) of a one-lot commercial subdivision was administratively approved for property, which included the subject property, at the northeast corner of Desert Foothills Drive and Charleston Boulevard.
01/03/07	The City Referral Group approved a Site Development Plan Review (CRG-18747) for a 3,350 square-foot convenience store (w/fuel pumps) on 0.91 acres located 280 feet north of Charleston Boulevard on the east side of Desert Foothills Drive.
02/08/07	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #30/jm).

<i>Pre-Application Meeting</i>	
12/22/06	A pre-application meeting was held. The applicant was informed that the site was under the VC (Village Center) special land use designation per the Summerlin Development Standards Manual. In addition, the applicant was informed that the proposed sale of alcohol in the approved convenience store would require a Special Use Permit. The submittal requirements were then discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.91

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SUM (Summerlin)	P-C (Planned Community)
North	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)
South	Clark County	Clark County	Clark County
East	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)
West	Single Family Residential	SUM (Summerlin)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Summerlin	X		Y
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,550 GF	1 per 250	14	1	20	1	Y
TOTAL			14	1	20	1	Y

ANALYSIS

The Summerlin Master Plan depicts the subject property as having a VC (Village Center) land use designation. The Village Center (VC) will allow a mix of land uses including multi-family residential uses and commercial, cultural, recreational and meeting facilities that provide most of daily and weekly support services and activities for a village or a combination of villages. A Village Center may include a grocery store, a drugstore and the supporting commercial uses (retail, service and convenience) residents require on a regular basis. Village Centers may also include recreational facilities and business and professional offices.

- Project of Regional Significance

This request is a Project of Regional Significance, due to the proximity to a boundary with Clark County. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to affected agencies for comment. A summary of comments from affected agencies is included below.

- Parking

One parking space for each 250 square feet of convenience store gross floor area is required for the proposed development. For 3,550 square feet of floor area, 15 parking spaces are required. One of the 15 parking spaces must be a van accessible handicapped parking space. The site plan shows 21 parking spaces in addition to a van accessible handicapped parking space, which meets the requirements of the Summerlin Development Standards.

- Zoning

The subject site is currently zoned P-C (Planned Community) and has a Summerlin Land Use designation of VC (Village Center). The proposed Liquor Store in conjunction with a proposed Convenience Store (W/Fuel Pumps) will be within the range of uses permitted, with approval of a Special Use Permit, in the VC (Village Center) land use designation with P-C (Planned Community) zoning.

- Use

A Liquor Store, as defined by the Summerlin Development Standards, is a facility which sells alcoholic beverages in the original sealed or corked containers for consumption off the premises; sales are to consumers only and not for resale. The proposed Liquor Store will be an accessory use to a Convenience Store.

- Conditions

Per the Summerlin Development Standards a Liquor Store is subject to the following condition:

All businesses which sell alcohol beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

In addition, the development must comply with the conditions of approval for Summerlin Site Development Plan Review (CRG-18747). Two provisions, in particular, include the following: a) The use shall be located a minimum of 200 feet from any residential property (measured from building to building in a straight line) and b) The use shall be located on a site with other commercial development with an overall minimum size of five acres. As noted on the plan, the building-to-building separation from residences across Desert Foothills Drive to the west is a minimum of 192 feet. Accordingly, the building must be situated eight feet farther away from the residences to comply with the first requirement. This discrepancy is addressed as a condition of approval in this report. Since the development adjoins a 10.3-acre site for which approval was granted to construct a 56,000 square-foot grocery store (CRG-6661), the proposed development meets the second condition.

Condition #6 has been inserted in the conditions to insure that the building meets the minimum standard of 200 feet from any residential property and the site provides the required parking space and handicap dimensions.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The project is compatible with the Summerlin land use designation and is located within a developing commercial center where a substantial concentration of major commercial development is to occur. A Liquor Store as an accessory use to convenience store can be expected to be compatible with, and mutually supportive of, other uses located within the commercial center.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of land use proposed. The addition of a Liquor Store to an approved convenience store use does not affect the parking requirement for the convenience store.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Liquor Store use will be accessed Desert Foothills Road, a Summerlin 80-foot Arterial. This road has adequate capacity to serve the proposed development. The project will not have any negative traffic impact on residential neighborhoods in the area.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Liquor Store would be subject to inspections for a Certificate of Occupancy and that of Business Services.

PLANNING COMMISSION ACTION

The Planning Commission added conditions #10 and 11.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 735 by City Clerk

APPROVALS 0

PROTESTS 0